

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RANDY A. NICKLESS,

Plaintiff,

v.

ST. GOBAIN CONTAINERS,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

No. 4:11-CV-1514 CAS

ORDER

This matter is before the Court on plaintiff's motion for appointment of counsel. The motion will be denied without prejudice.

"A pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case." Stevens v. Redwing, 146 F.3d 538, 546 (8th Cir. 1998). When determining whether to appoint counsel for an indigent litigant, the Court considers several relevant factors, such as the complexity of the case, the ability of the pro se litigant to investigate the facts, the existence of conflicting testimony, and the ability of the pro se litigant to present his or her claim. Id.

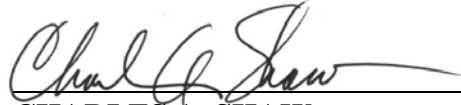
After reviewing these factors, the Court finds that the appointment of counsel is not warranted at this time. This case is neither factually nor legally complex. Plaintiff has not alleged he is hindered from investigating the facts of this case. And, at this early stage of the case, there is no indication plaintiff is unable to present his claim. Consequently, the motion shall be denied without prejudice.

Also pending before the Court is defendant's motion to dismiss. Plaintiff did not file a response memorandum, and the time to do so has expired. The Court will grant plaintiff an additional twenty (20) days to file a memorandum in response to defendant's motion to dismiss.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for appointment of counsel is **DENIED** without prejudice. [Doc. 4]

IT IS FURTHER ORDERED that plaintiff shall have until **January 24, 2012** to file a memorandum in response to defendant's motion to dismiss. Defendant may file, if necessary, a reply memorandum within the time allowed by the Federal Rules of Civil Procedure and the Local Rules of this Court.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of January, 2012.